

**Alton Coal Development, LLC**

463 North 100 West, Suite 1

Cedar City, Utah 84720

Phone (435) 867-5331 • Fax (435) 867-1192

#3338

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June 15, 2009

Daron Haddock, Permit Supervisor  
Utah Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84114

Re: C/025/0005 – Initial Response to UDOGM Technical Analysis (Task ID #3100),  
received April 22, 2009

Dear Mr. Haddock,

Based on our review of the Technical Analysis (TA) for permit application C/025/0005 provided to Alton Coal Development, LLC (ACD) on April 22, 2009 by the Division, this initial response is provided to address issues separate from the technical response and modifications to the Mine and Reclamation Plan (MRP). This is not a complete response to the TA and a technical response, which will include modifications to the MRP, will be provided at a later date.

This review of the TA has been completed by the technical team of experts who have developed the MRP, in consultation with ACD attorneys. The technical team includes: Erik Petersen, P.G. (Petersen Hydrologic), Dr. Patrick Collins (Mt. Nebo Scientific), Robert E. Long, CPSS (Long Resource Consultants), Dr. Steven Petersen (Professor, BYU), and Chris McCourt, P.E (ACD). Concerns that have developed as a result of this review, which are addressed in this initial response include: inaccurate information, misapplication of data/reference material, requirements for permit approval that are outside the Division's regulatory authority, and requirements which provide minimal to no technical basis as justification.

In this initial response, each individual item of concern is bulleted and the Division's quote (as it appears in the TA) is provided in standard font followed by the ACD response which is in italic font. This information is separated into two sections: Deficiencies and Correction of Technical Analysis Statements. In addition to each response, there are also eight exhibits provided as either legal or technical sources to provide supporting information for the ACD responses. The enclosed document addresses each item (as described above) of concern resulting from the ACD review.

Sincerely,

Chris McCourt, Manager

**RECEIVED****JUN 16 2009****DIV. OF OIL, GAS & MINING**

*C/025/0005 2009 Incoming*  
Refer to:

- ☐ Confidential  
☒ Shelf  
☐ Expandable

Date *6/15/09* For additional information

# APPLICATION FOR COAL PERMIT PROCESSING

Permit Change ☐ New Permit ☒ Renewal ☐ Exploration ☐ Bond Release ☐ Transfer ☐

Permittee: Alton Coal Development, LLC

Mine: Coal Hollow

Permit Number:

C/025/0005

Title: Initial Response to Division Technical Analysis - Task ID #3100

Description, Include reason for application and timing required to implement:

This document is submitted as an initial response to the Division's Technical Analysis - Task ID #3100

**Instructions:** If you answer yes to any of the first eight questions, this application may require Public Notice publication.

- ☐ Yes ☒ No 1. Change in the size of the Permit Area? Acres: \_\_\_\_\_ Disturbed Area: \_\_\_\_\_ ☐ increase ☐ decrease.
- ☐ Yes ☒ No 2. Is the application submitted as a result of a Division Order? DO# \_\_\_\_\_
- ☐ Yes ☒ No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- ☐ Yes ☒ No 4. Does the application include operations in hydrologic basins other than as currently approved?
- ☐ Yes ☒ No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- ☐ Yes ☒ No 6. Does the application require or include public notice publication?
- ☒ Yes ☐ No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- ☐ Yes ☒ No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- ☐ Yes ☒ No 9. Is the application submitted as a result of a Violation? NOV # \_\_\_\_\_
- ☐ Yes ☒ No 10. Is the application submitted as a result of other laws or regulations or policies? \_\_\_\_\_

Explain: \_\_\_\_\_

- ☒ Yes ☐ No 11. Does the application affect the surface landowner or change the post mining land use?
- ☐ Yes ☒ No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- ☒ Yes ☐ No 13. Does the application require or include collection and reporting of any baseline information?
- ☐ Yes ☒ No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- ☒ Yes ☐ No 15. Does the application require or include soil removal, storage or placement?
- ☒ Yes ☐ No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- ☒ Yes ☐ No 17. Does the application require or include construction, modification, or removal of surface facilities?
- ☒ Yes ☐ No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- ☒ Yes ☐ No 19. Does the application require or include certified designs, maps or calculation?
- ☒ Yes ☐ No 20. Does the application require or include subsidence control or monitoring?
- ☐ Yes ☒ No 21. Have reclamation costs for bonding been provided?
- ☐ Yes ☒ No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- ☒ Yes ☐ No 23. Does the application affect permits issued by other agencies or permits issued to other entities?
- ☒ Yes ☐ No 24. Does the application include confidential information and is it clearly marked and separated in the plan?

Please attach three (3) review copies of the application. If the mine is on or adjacent to Forest Service land please submit four (4) copies, thank you. (These numbers include a copy for the Price Field Office)

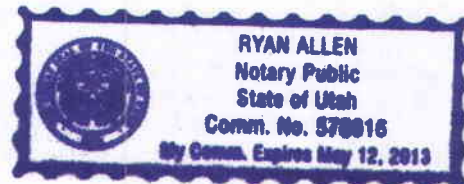
I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Chris McCourt Manager 6/15/09 [Signature]  
Print Name Position Date Signature (Right-click above choose certify then have notary sign below)

Subscribed and sworn to before me this 15 day of June, 2009

Notary Public: [Signature], state of Utah.

My commission Expires: May 12, 2013  
Commission Number: 578816  
Address: 410 N. Main St  
City: Cedar City State: UT Zip: 84720



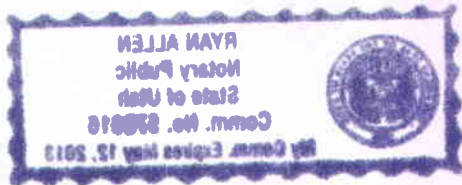
For Office Use Only:

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Received by Oil, Gas & Mining

JUN 16 2009

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## APPLICATION FOR COAL PERMIT PROCESSING

### Detailed Schedule Of Changes to the Mining And Reclamation Plan

**C/025/0005**

Form DOGM - C2 (Revised December 10, 2007)